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Before the
Federal Communications Commission
Washington, D.C. 20554

JAN 4 1994
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of) MM Docket No. 93-270
)
Amendment of Section 73.202(b),) RM-8323
Table of Allotments,) RM-8339
FM Broadcast Stations,) RM-____
(Cordele, Dawson, Montezuma,) RM-____
Nashville, Hawkinsville, Cussetta,) RM-____
Cuthbert, and Leary, Georgia))

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

REPLY COMMENTS

Tifton Broadcasting Corp. ("TBC"), licensee of WJYF(FM), Nashville, Georgia, by its attorney, and pursuant to Title 47 C.F.R. §1.420(d), hereby files these reply comments as authorized by the *Notice of Proposed Rulemaking and Order to Show Cause (Cordele, Dawson & Montezuma, Georgia)* ("NPRM"), DA 93-1195, released October 28, 1993, which proposed to allot FM Channel 236A to Cordele, Georgia, in lieu of existing Channel 252A. The Commission also proposed substitution of Channel 290A in lieu of Channel 236A at Montezuma, Georgia. As an alternative proposal the Commission proposed the substitution of Channel 251C3 for Channel 251A at Dawson, Georgia, the upgrade of Station WAZE(FM) for operation on Channel 251C3, and the substitution of Channel 290A for Channel 236A at Montezuma, Georgia.¹

¹ Reply comments are due by January 4, 1994, thus this pleading is timely filed.

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On December 20, 1993, TBC filed its counterproposal in this proceeding seeking to upgrade WJYF from Channel 237C3 to Channel 237C2. On the same date, a "Counterproposal" was filed by Tri-County Broadcasting Company ("Tri-County")² and Montezuma Broadcasting ("MB")³. Also on December 20, a "Counterproposal, Comments, and Expression of Interest" was filed by Jack F. Tuck and Phonso Donaldson, Court Appointed Receivers for Dawson Broadcasting Company ("DBC")⁴. Finally, on December 20, a pleading labeled "Comments and Expression of Interest" was filed by Radio Cordele, Inc. ("RCI")⁵. Herein, TBC replies to the Tri-County/MB, DBC, and RCI filings without prejudice waiving its right to file additional responsive pleadings in response to any future FCC Public Notice affording such an opportunity.

Seven options are now before the FCC in this docket. They may be summarized as follows:

TBC OPTION

<u>City</u>	<u>CHANNEL NO.</u>	
	<u>Present</u>	<u>Proposed</u>
Nashville, GA (Upgrade WJYF)	237C3	237C2

² Licensee of WCEH-FM, Hawkinsville, Georgia.

³ MB states it may apply in the future if Channel 280C3 is allotted to Montezuma, Georgia.

⁴ DBC is licensee of silent stations WHIA and WAZE(FM), Hawkinsville, Georgia.

⁵ RCI is licensee of WKKN, Cordele, Georgia.

TRI-COUNTY/MB OPTION

Montezuma, GA (vacant)	236A	280C3
Hawkinsville, GA (upgrade WCEH)	280C3	236C2
Cusseta, GA (vacant)	279A	264A
Cuthbert, GA (vacant)	264A	---

DBC OPTIONS

OPTION I

Dawson, GA	251A	--- ⁶
Leary, GA (upgrade WAZE)	---	251C3
Cordele, GA	252A	236A
Montezuma, GA	236A	290A or 221A

OPTION II

Dawson, GA	251A	---(WHIA)
Leary, GA	---	251C3
Cordele, GA (No Change)	252A	252A
Montezuma, GA	236A	290A, 221A, or 236A

OPTION III

Dawson, GA	251A	251C3(WHIA)
Cordele, GA	252A	236A
Montezuma, GA	236A	290A or 221A

⁶ WHIA(AM), would remain licensed to Dawson.

FCC NPRM OPTIONS

OPTION I

Cordele, GA	252A	236A
Montezuma, GA	236A	290A

OPTION II

Cordele, GA	252A	236A
Dawson, GA	251A	251C3
Montezuma, GA	236A	290A

RCI in its comments merely supports the proposals set forth in the DBC counterproposal.

DISCUSSION

The Commission should adopt the counterproposal filed by TBC and upgrade WJYF for operation as a Class C2 station, and adopt that portion of DBC's Option II that will permit the upgrade of WAZE on Channel 251C3 without blocking WJYF's upgrade on Channel 237C2 (Channel 236A should remain in Montezuma, Georgia). The public interest would be best served in this manner, consistent with **Revision of FM Assignment Policies and Procedures**, 90 FCC 2d 88, 92 (1982), and **Sixth Report and Order**, 41 FCC 148 (1952).

Adoption of Tri-County's proposal, or Options I or III of the DBC proposal would eliminate WJYF's opportunity to upgrade to Class C2. Tri-County proposes to delete Channel 280C3 and allot Channel 236C2 to Hawkinsville, Georgia, and upgrade WCEH to operate on Channel 236C3. This, as Tri-County recognizes, is a

non-mutually-exclusive substitution, that is to be analyzed on a case-by-case basis.

See Modification of FM Broadcast Licenses to Higher Class Co-Channel or

Adjacent Channels, 60 RR 2d 114, 120 ¶24 (1986). Here, the Commission may

choose between upgrades for two stations, i.e., WJYF and WAZE, or an upgrade on

a non-adjacent channel for WCEH, that would likely open Channel 236C2 to

competing applications and an upgrade to a vacant channel. Further, as shown in the

attached Technical Statement, operation of WJYF as a Class C2 station would permit

60 dBu service to 204,370 persons, and operation of WAZE as a Class C3 station that

would permit service to 140,050 persons. However, operation of WCEH as a Class

C2 station would permit service to only 197,730 persons, and Montezuma as a Class

C3 would serve only 87,975 persons. Therefore, under the Commission's precedents,

the public interest would be best served by an upgrade of WJYF to Class C2 on

Channel 237C2 at Nashville, Georgia, as follows:.

Changed Allotments

CHANNEL NO.


<u>CITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Nashville, GA	237C3	237C2

In light of the foregoing, TBC respectfully urges the Commission to reject (a) WKKN's proposal to allot Channel 236A to Cordele, Georgia; (b) Tri-County/MB's counterproposal; (c) Options I and III proposed by DBC; and instead to (d) substitute

Channel 237C2 for Channel 237C3 at Nashville, Georgia, (e) modify the license of WJYF to operate on Channel 237C2 at Nashville; and (f) adopt DBC's Option II.

Respectfully submitted,

TIFTON BROADCASTING CORPORATION

By: 

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January 4, 1994

**TECHNICAL EXHIBIT
REPLY COMMENTS
MM DOCKET NO. 93-270
WJYF (FM) - NASHVILLE, GEORGIA.**

THE FOLLOWING TECHNICAL EXHIBIT IS OFFERED IN SUPPORT OF THE COUNTER PROPOSAL OF TIFTON BROADCASTING, CORP. LICENSEE OF FM STATION WJYF, NASHVILLE, GEORGIA.

AS NOTED IN THE ORIGINAL TECHNICAL EXHIBIT, FILED IN SUPPORT OF THE COUNTERPROPOSAL, THE POPULATION INCREASE FOR WKKN, CORDELE, GEORGIA, WOULD BE NEAR ZERO SINCE NO INCREASE IN CLASS IS OFFERED. THE DIFFERENCE IN POPULATION FOR WAZE, IF ORDERED TO CLASS C3, WOULD BE PRIMARILY IN THE ALBANY, GEORGIA RADIO MARKET. HOWEVER, TIFTON BROADCASTING DID NOT ADDRESS THE TOTAL POPULATION WITHIN THE 60 DB/u CONTOURS OF THESE FACILITIES. THE POPULATION DIFFERENCES ARE:

WAZE AS CLASS C3

TOTAL POPULATION - 140,050

WJYF AS CLASS C2

TOTAL POPULATION - 204,370

THESE POPULATION CALCULATIONS ARE BASED UPON 1990 CENSUS DATA AND WAS CALCULATED FROM THE REFERENCE COORDINATES AS OFFERED IN THE ORIGINAL NOTICE OF PROPOSED RULEMAKING, (FOR WAZE AS C3), AND THE COORDINATES AS OFFERED IN THE ORIGINAL COUNTER PROPOSAL AS FILED BY TIFTON BROADCASTING. POPULATION STUDYS WERE CONDUCTED ASSUMING ALL FACILITIES OPERATING AT MAXIMUM HEIGHT AND POWER FOR THAT CLASS.

AS NOTED, THE PUBLIC INTEREST WOULD BEST BE SERVED BY UP-GRADING WJYF TO CLASS C2 OR ADOPTING OPTION II AS OFFERED BY DAWSON BROADCASTING IN COMMENTS.

TECHNICAL EXHIBIT
REPLY COMMENTS
MM DOCKET NO. 93-270
WJYF (FM) - NASHVILLE, GEORGIA.

LOOKING AT THE POPULATION COMPARISONS FOR THE TRI-COUNTY
BROADCASTING COMPANY'S COUNTERPROPOSAL, THE FOLLOWING IS OBSERVED.

MONTEZUMA AS CLASS C3

HAWKINSVILLE AS CLASS C2

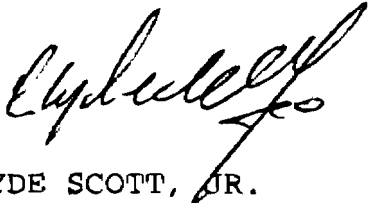
TOTAL POPULATION - 87,975

TOTAL POPULATION - 197,730

AS NOTED EARLIER, 1990 CENSUS DATA WAS USED FOR THESE CALCULATIONS
AND THE COORDINATES USED WERE THE ONES OFFERED BY BROMO IN THE TRI-
COUNTY COUNTERPROPOSAL.

AGAIN, THE PUBLIC INTEREST AND THE MOST POPULATION WOULD BEST BE
SERVED BY UP-GRADING WJYF TO CLASS C2.

RESPECTFULLY SUMMITED:



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CERTIFICATE OF SERVICE

I, Patricia A. Neil, a secretary in the law firm of Smithwick & Belendiuk, P.C., certify that on this 4th day of January, 1994, copies of the foregoing were mailed, postage prepaid, to the following:

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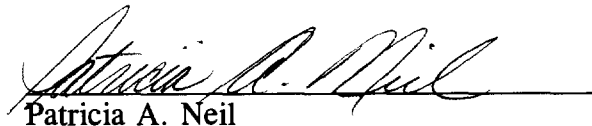
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